

## **REMARKS**

Claims 1, 3, 5, 7, 9-11, 18, 19, 21-23, 25, 26, 30-34 and 36 have been amended. Claims 1-12, 18-23, 25, 26 and 30-36 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks. Support for the amendments is provided at least at paragraph [0044] of Applicants' specification.

### **Examiner Interview Summary Pursuant to 37 C.F.R. § 1.133(b)**

On September 13, 2010, Examiner Bradford Fritz and attorneys for Applicants (Robert C. Kowert, Reg. No. 39,255 and Chris Drymalla, Reg. No. 61,843) participated in a telephone interview to discuss certain rejections of the claims. During the interview, Examiner Fritz and the attorneys for Applicants discussed various claimed features in view of the cited art, including the Durham reference. As a result of the interview, Examiner Fritz agreed to reconsider the rejection and requested that Applicants submit a response outlining the points discussed by Applicant during the interview. The above amendments are presented in view of the discussion with the Examiner during the telephone interview.

### **Section 103(a) Rejection:**

The Office Action rejected claims 3-8, 11-12, 19, 20, 25-26, 34 and 36 under 35 U.S.C. § 103(a) as being unpatentable over Durham (U.S. Patent 6,330,566)(hereinafter “Durham”) in view of Farber et al. (U.S. Patent 6,185,598) (hereinafter “Farber”), and further in view of Albert, et al. (U.S. Publication 2002/0141401) (hereinafter “Albert”), claims 1, 2, 9, 10, 18, 21-23, 30-33 and 35 as being unpatentable over Durham in view of Cui, et al. (U.S. Patent 6,910,180) (hereinafter “Cui”) in view of Farber, and further in view of Albert. Applicant respectfully submits that the claims are allowable for at least the following reasons.

In order to reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner et al.*, 379 F.2d 1011, 154 U.S.P.Q. 173,

177-178 (C.C.P.A. 1967). To establish a *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). (Emphasis added).

Applicants claims generally relate to a method for determining whether a client/requestor accepts visitor identifiers. For example, claim 1 recites a method for determining whether a client accepts visitor identifiers. The method includes receiving a request for a resource that originates at a client, and determining that the request for the resource does not include (1) a visitor identifier and (2) an indicator that redirection has occurred. Responsive to determining that the request does not include a visitor identifier and does not include an indicator that redirection has occurred, the method includes (1) assigning a new visitor identifier and (2) sending a redirection request to the client. The redirection request includes: (a) the new visitor identifier previously assigned and (b) an indicator that redirection has occurred (provided separate from the visitor identifier). Further, the redirection request is configured to cause the client to send a subsequent request that includes at least the indication that redirection has occurred. Subsequent to sending the redirect request, the method includes receiving the subsequent request (e.g., the request resulting from the redirect request) sent from the client, the subsequent request including the indication that redirection has occurred. The method also includes, determining, based at least on the received subsequent request, that redirection has occurred in accordance with the redirection request and that the client did not store the new visitor identifier sent with the redirection request. Further, responsive to determining that redirection has occurred in accordance with the redirection request and that the client did not store the new visitor identifier sent with the redirection request, the method includes determining that the client does not accept visitor identifiers and transmitting the requested resource to the client.

Accordingly, the method of claim 1 requires, responsive to determining that the request does not include (1) a visitor identifier or (2) an indicator that redirection has occurred, (1) assigning a new visitor identifier and (2) sending to the client a redirection request that is configured to cause the client to send a subsequent request that includes at

least the indication that redirection has occurred. The redirection request includes (a) the new visitor identifier previously assigned and (b) an indicator that redirection has occurred. The indicator that redirection has occurred is provided separate from the visitor identifier.

With regard to claim 1, the cited art does not teach or suggest at least the features of *determining that the request for the resource does not include a visitor identifier and does not include an indicator that redirection has occurred; responsive to determining that the request does not include a visitor identifier and does not include an indicator that redirection has occurred: assigning a new visitor identifier; sending, to the client, a redirection request comprising: the new visitor identifier; and an indicator that redirection has occurred, wherein the indicator that redirection has occurred is provided separate from the visitor identifier, and wherein the redirection request is configured to cause the client to send a subsequent request that includes at least the indication that redirection has occurred; receiving the subsequent request sent from the client, the subsequent request including the indication that redirection has occurred; determining, based at least on the received subsequent request, that redirection has occurred in accordance with the redirection request and that the client did not store the new visitor identifier sent with the redirection request; responsive to determining that redirection has occurred in accordance with the redirection request and that the client did not store the new visitor identifier sent with the redirection request, determining that the client does not accept visitor identifiers*, in combination with other features of the claims. The Office Action relies on combination of Durham, Farber and Albert as disclosing the features of the previously submitted claim 1. Applicant respectfully disagrees.

Durham relates to a system and method for reducing browser latency in customized web page production through caching in one or more client-stored tokens a compressed representation of a core set of user information preferences. (Durham, abstract). The cited portion of Durham discloses a client initially contacting a server with Internet client software, and a first test being made to determine whether the client automatically sent the server a client cookie. (See Durham, col. 7, line 64 – col. 8, line

13). If the client automatically sent the server a client cookie, the server verifies that the client exists in a local clients-database, and retrieves configuration information about the client. Id. The server can also modify the client's cookie before sending it back to the client in an HTTP response from the server. Id. If, however, the initial tests fail, indicating the client did not initially send a cookie, or that the client was not found in the client database (for example, the cookie may have been corrupted by cookie management software), then a new database record is created for the client, and a new cookie initialized (generated). Id. This cookie is then sent to the client so that a personalized page can be generated for the client. Thus, Durham discloses general use of a cookie, including generating a new cookie in the event a cookie is not provided or the client is not identified. Durham, however, does not disclose making a determination that the request does not include (1) a visitor identifier or (2) an indicator that redirection has occurred. Further, Durham does not disclose, in response to making such a determination, (1) assigning a new visitor identifier and (2) sending to the client a redirection request that is configured to cause the client to send a subsequent request, much less a redirection request that includes: (a) the new visitor identifier previously assigned and (b) an indicator that redirection has occurred provided separate from the visitor identifier.

Moreover, Applicants note that the cited art does not disclose providing the respective actions in response to specific determinations, as recited in claim 1. For example, the cited art does not disclose assigning a new visitor identifier and sending a redirection request to a client in response to determining that the request does not include a visitor identifier and does not include an indicator that redirection has occurred. Similar determinations and responsive actions throughout the claim are not present in the cited art.

The other cited art does not remedy these deficiencies. The cited portion of Faber discloses use of a repeater to serve a request such that a browser may get a resource from the repeater without going back to an origin server. (See Faber, col. 16, lines 28-44). Cui merely discloses a proxy server checking a request header to determine whether or not a browser of a client is capable of handling cookies. (See Cui, col. 1, lines 57-64). Albert

appears to relate to an IP scheme for dispatching packets and does not appear to have any relation to the claimed techniques of visitor identifiers or the “cookie” techniques discussed by the cited art.

Applicants note that during the Examiner Interview, the Examiner indicated that subject to additional review of the cited art - and more specifically, subject to further review of the Durham reference - the above described features did not appear to be disclosed by the cited art.

Accordingly, the cited art does not appear to teach or suggest at least the features of “determining that the request for the resource does not include a visitor identifier and does not include an indicator that redirection has occurred; responsive to determining that the request does not include a visitor identifier and does not include an indicator that redirection has occurred: assigning a new visitor identifier; sending, to the client, a redirection request comprising: the new visitor identifier; and an indicator that redirection has occurred, wherein the indicator that redirection has occurred is provided separate from the visitor identifier, and wherein the redirection request is configured to cause the client to send a subsequent request that includes at least the indication that redirection has occurred; receiving the subsequent request sent from the client, the subsequent request including the indication that redirection has occurred; determining, based at least on the received subsequent request, that redirection has occurred in accordance with the redirection request and that the client did not store the new visitor identifier sent with the redirection request; responsive to determining that redirection has occurred in accordance with the redirection request and that the client did not store the new visitor identifier sent with the redirection request, determining that the client does not accept visitor identifiers”, in combination with other features of the claim.

Applicants submit that claim 1 is allowable over the cited art for at least these reasons.

Independent claims 3, 11, 18 and 19 recite features similar to those of claim 1. Accordingly, Applicant submits that claims 3, 11, 18 and 19 are allowable over the cited art for at least these reasons similar to those discussed above with regard to claim 1.

Applicant also asserts that the rejections of numerous ones of the dependent claims are further unsupported by the cited art. Since the rejections have been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

## CONCLUSION

Applicants submit the application is in condition for allowance, and an early notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/6067-47301/RCK.

Respectfully submitted,

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